

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN CIVIL LIBERTIES UNION;
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION,

Plaintiffs,

v.

FEDERAL BUREAU OF INVESTIGATION,

Defendant.

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 8-25-08
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08 Civ. 3584 (VM)

ECF CASE

STIPULATION AND ORDER

WHEREAS, on November 29, 2007, Plaintiff submitted to the Federal Bureau of Investigation ("FBI") a Freedom of Information Act ("FOIA") request seeking certain records relating to the FBI's use, implementation, and interpretation of its authority to impose non-disclosure obligations on NSL recipients since the law was amended in March 2006, as well as records relating to the FBI's use or issuance of NSLs at the request of the Department of Defense ("DoD") (1) for use in DoD investigations; (2) for use in joint FBI/DoD investigations; and (3) for use in non-FBI investigations (the "Request").

WHEREAS, on April 15, 2008, the plaintiffs filed a complaint, which alleges that the FBI has failed to timely process and produce documents in response to the Request and seeks to require the FBI to expedite processing of the Request and to grant a waiver or limitation of processing fees;

WHEREAS, in an effort to resolve these issues amicably without resort to unnecessary litigation, the parties have agreed on a mutually acceptable schedule for processing the Request;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the parties, as follows:

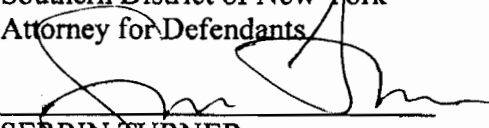
1. Defendant will complete its processing of the Request by November 21, 2008.
2. The parties may agree to extend any of the deadlines set forth in this Stipulation and Order without approval of the Court.
3. This Stipulation and Order shall not affect the defendant's right to redact or withhold requested records pursuant to applicable FOIA exemptions.
4. This Stipulation and Order shall not affect the plaintiffs' rights under FOIA to challenge the adequacy of any search, withholding, or redaction of requested records, or any refusal of a fee waiver or limitation.
5. This Stipulation and Order shall have no effect or bearing on any request for expedited processing or fee waiver or fee limitation in connection with any other FOIA request made by the plaintiffs.
6. Plaintiffs expressly waive any argument that entry of this Stipulation and Order, or any party's compliance with the terms of this Stipulation and Order, confers prevailing-party status upon plaintiffs under the FOIA's fee-shifting provision, 5 U.S.C. § 552(a)(4)(E), or otherwise entitles plaintiffs to attorney's fees.
7. The parties understand and agree that this Stipulation and Order contains the entire agreement between them, and that no statements, representations, promises,

agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect.

Dated: New York, New York
August 18, 2008

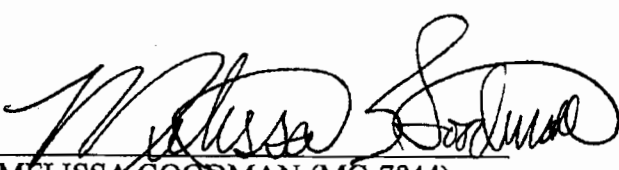
United States Attorney for the
Southern District of New York
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By:


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Dated: New York, New York
August 18, 2008

By:



MELISSA GOODMAN (MG-7844)
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ARTHUR N. EISENBERG (AE-2012)
New York Civil Liberties Union Foundation
125 Broad Street, 19th Floor
New York, NY 10004

SO ORDERED.

Dated: New York, New York
August 24, 2008


THE HONORABLE VICTOR A. MARRERO
UNITED STATES DISTRICT JUDGE

Request GRANTED. The <u>next status</u> conference herein is rescheduled to <u>12-19-08</u> at <u>9:30 a.m.</u>	
SO ORDERED.	
<u>8-25-08</u> DATE	 VICTOR MARRERO, U.S.D.J.



U.S. Department of Justice

*United States Attorney
Southern District of New York*

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August 18, 2008

BY HAND

The Honorable Victor Marrero
United States District Judge
United States Courthouse
500 Pearl Street, Suite 660
New York, New York 10007

Re: *ACLU v. FBI*, 08 Civ. 3584 (VM)

Dear Judge Marrero:

This Office represents the defendant in the above-referenced case, concerning a Freedom of Information Act ("FOIA") request filed with the Federal Bureau of Investigation. Plaintiffs' complaint seeks, *inter alia*, expedited processing of the FOIA request. Since the filing of the complaint, the parties have stipulated to a schedule for processing the request, which the parties respectfully request that the Court so-order. A courtesy copy of the stipulation is enclosed.

The stipulation calls for the processing of plaintiffs' request to be fully completed by November 21, 2008. Accordingly, the parties respectfully request that the Court adjourn the initial conference currently set in this matter for August 29, 2008, until 30 days after this deadline, *i.e.*, until December 22, 2008. At that time, the parties will be in a position to advise the Court as to what issues, if any, remain outstanding.

I thank the Court for its consideration.

Respectfully,

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York

By: 
SERRIN TURNER
Assistant U.S. Attorney

cc: Danielle Tully, Esq. (by email)